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(CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

INITIAL REPORTS OF THE STATES PARTIES

REPUBLIC OF ZAIRE

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I. INTRODUCTION

1. This is the initial report by the Republic of Zaire to the Committee on the Elimination of Discrimination against Women (CEDAW).

2. Since the signature by Zaire on 17 July 1980 of the Convention on the Elimination of All Forms of Discrimination against Women and its ratification on 15 October 1985, some progress has been made in improving the situation of women in Zaire and in promoting gender equality.

3. Further efforts have still to be made, however. This report aims to present a fair evaluation of the efforts already made and to draw attention to those still required, as well as to the difficulties encountered in obtaining and implementing various legal instruments in pursuance of the Convention.

II. OVERVIEW

A. Submission by Zaire

4. Zaire became a sovereign nation within the international community on 30 June 1960. It is situated at the centre of the African continent. With an area of 2,345,000 sq km, it is the third largest country in Africa, after the Sudan and Algeria. It has an inland frontier of 9,375 km and only 40 km of coastline on the Atlantic Ocean. It shares frontiers with nine countries: the Congo in the west, the Central African Republic and the Sudan in the north, Uganda, Burundi, Rwanda and Tanzania in the east, and Zambia and Angola in the south.

5. The territory of Zaire is divided into three main zones: the central basin, the surrounding plateaux and the mountains in the east. It enjoys the varied climates of the tropics and produces all the tropical plants. The mean temperature is 28° C, but varies widely in the different zones. Rainfall is periodic and plentiful.

6. The population of Zaire is made up of 450 tribes, occupying most of the area of the river basin. Ethnically, these tribes may be divided into five main groups: Bantu, Sudanic, Pygmy, Nilotic and Hamitic.

7. Since independence, Zaire has been a unitary, democratic, welfare-oriented and secular State. Currently, it has a population of 41.2 million, largely Christian (Catholic and Protestant) and with some Muslims. Freedom of religion is guaranteed.

8. Population density is 18 inhabitants per square kilometre. Children under 14 constitute 47 per cent of the population. Ten per cent of the population live in the capital, Kinshasa. The birth rate is 48 per cent and the mortality rate 17 per cent. The official language of Zaire is French and the country has four local languages: Kongo, Ngala, Luba and Swahili.

9. Zaire has a presidential political system. Since the end of the National Sovereign Conference on 4 December 1992, Zaire has been experiencing a period of transition marked by considerable upheaval, as part of the democratization process promulgated on 24 April 1990. This process will culminate in a third democratic republic. Prior to 24 April 1990, all Zairians belonged to a single State party, the Mouvement Populaire de la Revólution (MPR).

10. The economy of Zaire is supported primarily by its copper, aluminium, gold and malachite mines. Agriculture is also important, however: cassava, maize, rice, green beans and bananas are cultivated. In addition, animal husbandry and livestock breeding are practised. Business is also flourishing, both in the formal and informal sectors.

11. Finally, Zaire is a Member of the United Nations and of such international organizations as the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Labour Organization (ILO) and the World Health Organization (WHO), among others. At the continental level, it is a member of the Organization of African Unity (OAU), the Economic Community of the Great Lakes Countries (CETGL) and other organizations.

B. History of the advancement of women in Zaire

12. Since time immemorial, Zairian woman have played a vital role in society, a role which has changed as the country has passed through the successive eras of its history.

1. The pre-colonial period

13. In traditional society, women were confined to the role of mothers and care givers, educators and guardians of traditional values. Their main activities were the following:

(a) On the economic level. Running the household; drawing water; gathering firewood; working, seeding, planting and tending the fields; pottery and basketwork. All these everyday agricultural and domestic tasks were performed by women with rudimentary tools and under the most arduous conditions: they worked between 12 and 16 hours a day. They covered long distances on foot bearing heavy loads on their heads, often with a baby on their backs.

(b) On the social level. First and foremost, they were mothers: they were the life-givers. They were the educators of children and the guardians of tradition. Although relegated to a subordinate status, women were consulted. They were respected. Among the Lunda, descendants of one of the great empires that existed before independence, it was to women that the chief entrusted his coat of arms when he died for transmission to his successor. Paradoxically, notwithstanding the respect accorded women by society, they were subjected to various types of taboos, including the dietary prohibitions common to all tribes. They were the victims of prejudices and often reactionary attitudes that kept them in a situation of inferiority vis-à-vis their male partners. They were resigned to this situation, to which they had been habituated from

early childhood, and believed that their primary role was to bear children. For those reasons, only boys received any schooling.

(c) On the political level. Generally speaking, public service was closed to women. The few isolated exceptions which have been discovered in the country's three provinces should, however, be noted: Bas-Zaire and the two Kasai provinces have had women rulers. In other regions, women have been known to play a part in "town hall" discussions of social issues.

2. The colonial period

14. The colonial period did not bring about any significant changes benefiting women. In general, they retained their traditional functions. Nevertheless, they were granted the right to go to school. In a very cautious way, a few girls' schools were established, teaching home economics and training nurses and teachers. No concerted effort was made to promote the education of women or to grant them access to government jobs. As a result, many women can now be found working as nurses in hospitals and as teachers.

3. From 30 June 1960 (independence of Zaire) to 1965: the First Republic

15. During this period the status of women did not differ significantly from that during the colonial period, largely because of the civil wars which beset the country during its initial years as a sovereign nation.

4. From 1965 to the present: Second Republic

16. In contrast to the situation of women in other countries, where they have had to fight for their rights, in Zaire the movement for the emancipation of women was launched as early as 1966. That was when the first woman assumed a post in the Government and women voted for the first time in a referendum.

17. After that, women became aware of their important role in society and started to form associations. Since then, the number of women in government service - the magistrature, the Territorial Army, hospitals - as well as in public and private companies, has steadily grown. It must be acknowledged, however, that the percentage of women represented in all these areas is still lower than that of men and that much remains to be done in all these aspects of national life, as will be seen in the second part of our report. Nevertheless, several significant measures taken during this period warrant attention.

(a) On the legal level. The 1967 Constitution, with its subsequent revisions, proclaims the equality of all Zairians before the law and equal protection for all before the law. Under the Constitution women are declared "electors and electable". The Family Code was adopted on 1 August 1987 (Parents' Day) and entered into force on 1 August 1988. The Code has endowed Zairians with a body of laws adapted to their reality, since it is an amalgam of the written law left by the colonial Power and the local customs which governed

the lives of most of the Zairian population. It introduced new concepts into the life of the couple and the family and established a new status for Zairian women (this aspect will be elaborated upon later in the report). The Zairian Penal Code is virtually free of provisions discriminating against women, except as regards the offence of adultery. The Labour Code currently in force stipulates in article 1 that it applies to everyone, without distinction as to sex, race or religion.

(b) On the political and institutional level. On the recommendation of the United Nations a national mechanism was set up by Presidential Decree No. 80-052, of 8 February 1980, for training all women with a view to integrating them into the development process. This national mechanism underwent various modifications and is currently known as the "Family Division". In accordance with Presidential Decree No. 92-49, of 29 April 1992, it comes under the Ministry of Social Affairs, the Family and National Solidarity.

(c) In health matters. The health care strategy for the year 2000 has been designed with the aim of reaching a large proportion of the population by setting up health zones and providing access for women to primary health care. However, the expected results have not yet been attained owing to the limited number of health care institutions, the almost total lack of equipment and other difficulties of various kinds.

(d) In the economy. Women have become a major force in the economy, on a par with men. Their presence is increasing in business, in small and medium-sized enterprises and particularly in the informal sector. In rural areas, peasant women do all the agricultural tasks. Even now they are the ones who plough, sow, harvest and market, sometimes under extremely precarious conditions. Women's access to credit, however, remains very limited owing both to an attitude that does not yet recognize women's business skills and to certain legal limitations on married women (this aspect will be elucidated below).

(e) Culture. Attitudes are changing, but it is a slow process. While there are women writers, actors and musicians as well as men, reactionary attitudes still prevail, demeaning women and perpetuating their inferior status.

C. National mechanism for the advancement of women

18. On 8 February 1980 the Permanent Secretariat of the Political Bureau on the Status of Women was established. This Permanent Secretariat was assigned the following tasks:

(a) To train women with a view to integrating them into the national development process;

(b) To carry out in-depth studies on everything relating to women;

(c) To coordinate nation-wide all activities and action by women and on their behalf;

(d) To represent Zaire abroad at all international conferences and meetings dealing with the problems of women.

19. The Permanent Secretariat of the Political Bureau on the Status of Women had its own subdivisions and programme of action and developed its own strategies. A year after it was created, however, it was renamed the "Department on the Status of Women" and placed under the supervision of the Executive Committee of the People's Movement for the Revolution (MPR).

20. In February 1983 it was made a Government ministry and merged with the Department of Social Affairs. It then became the "Ministry for the Status of Women and Social Affairs". In June 1985 it was split off from Social Affairs and acquired a new dimension, namely, that of the family. It became the "Ministry for the Status of Women and the Family".

21. Although it became part of the Government, it retained its status as a special branch of MPR and was given the additional task of mobilizing women in support of the ideals of MPR, the only political party in Zaire until 24 April 1990.

22. Beginning in May 1990 it became a full-fledged technical ministry, its functions being standard-setting and raising public awareness. Since the end of the National Conference, held between August 1991 and December 1992, the national mechanism for the advancement of women has been the Family Division, sometimes under the Ministry of Health and sometimes under the Ministry of Social Affairs and National Solidarity. It currently comes under the Ministry of Social Affairs, the Family and National Solidarity, and is responsible for the advancement and protection of the family unit and the welfare of family members, the most vulnerable being women and children. It comprises six (6) national departments, dealing respectively with general services; legal services; social and economic development; cooperation; coordination and follow-up; and child protection. In addition to the national departments there are four (4) technical offices, namely, the Research and Planning Office (BEP); the National Family Documentation and Information Centre (CENADIF), which publishes the magazine "Libota"; the Maman Bobi Ladawa Mother and Child Centre; and the National "Women and Development" Division, which is constructing more and more homes and centres for women throughout the country. A corps of inspectors is a unit of the Family Division. In every region (province) and zone (commune) the Family Division has regional, subregional and zonal family offices.

23. The Family Division maintains a working relationship with other government services and with international organizations. It also coordinates the activities of all non-governmental organizations and associations working on behalf of women, the family and children, such as the new Family Development Centre (FONDEF); the Association of Peasant Women of Manenga; the Association of Women Market Gardeners; and several other vocational and professional associations. It has many achievements to its credit.

III. STATUS OF IMPLEMENTATION OF THE CONVENTION

24. The Republic of Zaire ratified the Convention on the Elimination of All Forms of Discrimination against Women on 15 October 1985.

A. Constitutional, legislative, legal, administrative and other measures adopted by Zaire to give effect to the provisions of the Convention

1. General provisions guaranteeing the equality of men and women and prohibiting discrimination based on sex (arts. 1-6 of the Convention)

(a) Legal

25. The principle of the equality before the law of all Zairians, men and women, is proclaimed in the Constitution of Zaire and also in the draft Constitution of the Third Republic. Thus all human rights and fundamental freedoms are recognized for men and women: the right to respect for, and protection of life and the inviolability of the individual; the right to free development of the personality; the right of self-defence; the right to freedom of thought, conscience and religion; the right to information and freedom of expression; the right to own property alone or in association with others; the right to an adequate standard of living and decent housing; the right to peace and security; the right to go into business; the right to freedom of the press and association; the right to privacy of correspondence; the right to strike; the right to marry the person of one's choice; the right to education; the right to choose one's place of residence; the right to freedom of movement.

(b) Implementation measures

(i) Equality under civil law

(ii) Equality under nationality law

26. The Family Code adopted under Law No. 87-010 of 1 August 1987, articles 9-35, provides for equality of men and women in respect of the acquisition, loss and transmission of nationality. Marriage does not automatically alter a women's nationality. Thus a Zairian woman who marries a foreigner will lose her Zairian nationality only if she expressly renounces it. In the same way as a man, a Zairian woman can transmit her Zairian nationality to her child. It should be noted that Zairian nationality is indivisible and exclusive.

(iii) Equality in the freedom to enter into marriage

27. The freedom to enter into marriage is one of the fundamental rights of both men and women. This principle is affirmed in the Family Code, article 352, which states: "Each of the future spouses must personally consent to the marriage". Thus, this provision excludes any discrimination and any external pressure with regard to marriage. Future spouses have the right to lodge a

complaint before a magistrates' court (tribunal de paix) in cases of external pressure, from whatever source.

28. It should be emphasized here that Zaire has seen positive developments in this sphere, in that in the past girls were often given in marriage without requiring their consent.

(iv) Equality of the spouses in marriage and legal status of married women

29. Spouses have the same rights and responsibilities in matters relating to their children. This is expressed in the principle of the "parental" authority that they exercise over their children. This concept has replaced that of "paternal" authority contained in the previous Civil Code handed down by the colonial Power. Therefore both spouses have the right to choose a name for the child. They both have the right to determine how many children they shall have and to decide whether to adopt others.

30. As for their obligations towards their children, both spouses are responsible for raising them properly, feeding and educating them. The Family Code contains a paradox, however, which runs counter to the principle of equality between the spouses. Article 448 of the Code provides that: "A married woman must receive authorization from her husband for any legal act committing her to any payment to be made in person". Thus, without such authorization, a married woman cannot sign a contract on her own; she cannot, for example, open a bank account, go on a journey or acquire property without the consent of her husband.

31. An unmarried adult woman has full legal capacity, but by marrying she loses that capacity. No longer subject to parental authority she now becomes subject to marital authority.

(v) Equality of the spouses in divorce

32. In accordance with the provisions contained in the new Family Code, a married couple may divorce only by virtue of a judicial decision after several efforts at reconciliation, since it is a traumatic experience not only for the spouses, but also - and above all - for the children. The Code introduces the concept of "divorce as remedy" instead of "divorce as punishment". There are thus no predetermined grounds for divorce, as was the case under the old Civil Code. A judge will grant a divorce only if he considers that the marriage has been irretrievably shattered. It is for the spouse, of either sex, who applied for the divorce to convince the judge of the impossibility of continuing married life.

33. Once a divorce is granted, custody of the children will be given to the parent who offers the best guarantees for their education.

(vi) Equality of the parents

34. As indicated earlier, the "paternal authority" inherited from the colonial Code has been abrogated in the Family Code currently in force. In fact, the term "paternal authority" has been replaced by the term "parental authority"

(Family Code, art. 317), indicating that henceforth the father and the mother shall jointly exercise authority over the children and that the children owe honour and respect to both without distinction. However, the primacy of the father is clearly established where there is a difference of opinion or dispute. For example, while both father and mother can choose a name for the child, in case of disagreement, it is the father's choice that prevails (Family Code, art. 59). The obligation of announcing the birth of the child falls to the mother.

(vii) Equality of the spouses upon the death of either

35. In the matter of succession, the Family Code accords preferential treatment to the children (those born of the marriage, those born out of wedlock but recognized during the lifetime of the de cujus and those adopted). It makes provision for the rights of the surviving spouse without discrimination on the basis of sex: the surviving spouse, man or woman, ranks second in the line of succession, together with the father and mother of the de cujus and any siblings or half-siblings, the children being first. A segment of Zairian women would like the surviving spouse to be the only person second in the line of succession after the children. The argument is that he or she had to share his or her whole life with the deceased.

(viii) Equality under penal law

36. Generally, there is no discrimination in this area. The one exception is the offence of adultery committed by a woman, which is more severely punished than adultery by a man. Indeed, while adultery by a woman is punishable under any circumstances, adultery by a man is censurable only if the surrounding circumstances impart to the act the nature of a serious injury, which, in any case, is a matter for the judge to decide. The argument put forward is that the woman is the pillar of the family and accordingly must incarnate the moral values of society. This one-sidedness, however, undermines not only the principle of equality already recognized in the Constitution but also article 459 of the Family Code, which imposes the duty of mutual fidelity upon both spouses.

(ix) Equality under labour law

37. Article 1 of the Labour Code stipulates that it applies to all Zairians without distinction as to sex, while article 72 of the Code provides "that there shall be equal pay for equal work of equal value ...". Certain constraints apply, however, to a married woman (constraints stemming from her legal incapacity), since she may not accept a work contract if her husband expressly objects (Labour Code, art. 3 (c)). This provision is misapplied in practice by employers who demand that a woman submit authorization from her husband before signing a labour contract. A pregnant woman has the right to 14 consecutive weeks of maternity leave, eight weeks prior to delivery and six weeks afterwards. During the maternity leave, a woman is entitled to only two thirds of her salary. In addition, nursing mothers are entitled to two half-hour rest periods each day to nurse their infants.

38. Because of prejudice in favour of men, there are limitations on equal rights to vocational training, retraining, apprenticeship, career advancement and promotion. Married women who are working do not receive family allowances and do not have access to health care provided by the husband's employer. Nevertheless, the Labour Code extends to women the protection against having to do night work and heavy labour that it grants to minors. Some discrimination persists with regard to the widow's pension in that a woman cannot transfer this entitlement to a man upon her death.

(x) Measures to safeguard the dignity of women

39. The law punishes all offences that infringe upon the dignity of women, the object being to protect prepubescent girls. Article 1 of the Decree of 9 July 1936 provides penalties for persons who, having custody by virtue of law or custom of a girl under the age of puberty, gives her in marriage. In addition, the law punishes incitement to immoral behaviour (Penal Code, art. 172-174), rape (Penal Code, art. 167), procuring (Penal Code/B, art. 174 bis) and indecent assault (Penal Code, art. 168), and very severely punishes abortion (Penal Code, art. 165).

40. With regard to the crime of abortion, the law punishes the woman, her accomplice and the person performing the abortion. Other measures have led to an appreciable decline in the practice of female circumcision that was common in the north of the country.

41. It must be said that even though these measures aimed at protecting the dignity of women have been taken, their proper implementation is still being hampered largely under the influence of entrenched customs, especially in the interior of the country.

(xi) Measures guaranteeing responsible maternity, raising public awareness and family education

42. The Legislative Ordinance of 5 December 1972 introduced to Zaire the policy of birth-spacing as a method of family planning. The aim of the policy is to guarantee women a responsible and happy motherhood. As things stand, the power of custom and religious beliefs is such that most Zairian women tend to bring as many children as possible into the world and to do so without regard for the conditions in which they are living. Hence a very high rate of infant mortality (125.5 per cent).

43. Wanted-pregnancy services have also been set up, in which advice and other contraceptive services are made readily available to women. It should be pointed out that the Legislative Ordinance in question, although it is in effect, contravenes the Zairian Penal Code, which still prohibits the use, sale or advocacy of contraceptives.

2. Measures to ensure the equality of women in public and political life (arts. 7 to 9)

(a) Legal basis

44. Article 12 of the Constitution of Zaire stipulates that: "No Zairian may in respect of ... access to public office ... be subject to discriminatory measures ... based on sex". The draft Constitution of the Third Republic confirms this principle.

(b) Implementation measures

(i) Right to vote and to be eligible for election (art. 7)

45. The right to vote and to be eligible for election is granted to women by the Constitution. It is confirmed by the draft Constitution of the Third Republic. As a result, Zairian women, like men, can vote at 18. In addition, women can be candidates for political office. However, their right to vote is sometimes not properly exercised because of the low literacy rate among women. As to the right to be eligible for election, the often strong prejudices against women inhibit many voters from voting for them, even among women.

Table showing the Zairian women in Parliament, 1970-1993

Legislature	Periods	Candidates registered	Candidates nominated	Seats to be filled	No. of women parliamentarians
First	1970-1975	-	-	420	13
Second	1975-1977	-	-	244	26
Third	1977-1982	-	-	272	7
Fourth	1982-1987	2 228	1 409	310	11
Fifth	1987 to date	1 240	1 075	210	12
High Council of the Republic	1993				

(ii) Right to hold public office and perform all public functions at all levels of Government (art. 7)

46. As indicated earlier, the Constitution of the Second Republic and the draft Constitution of the Third Republic guarantee equality of men and women in all spheres of national life. As a result, women are in established posts at all levels of public life (in the services attached to the President's Office, in the National Assembly, in the magistrature, in the Territorial Army and in

public administration). It must be said, however, that they are still few in number.

(iii) Staff rules for public employees

47. Act No. 81-003 of 17 July 1981 which deals with the staff Rules for the Civil Service is a very progressive law containing no discriminatory provisions based on sex in respect of recruitment, remuneration, advancement and other benefits. Positions traditionally reserved for men are now open to women.

48. Today in Zaire there are women who are executive officers in the public administration, directors, officers and soldiers in the Army, police officers, magistrates, university professors, engineers, pilots and parachutists. It should, however, be pointed out that rule 25 of the Staff Rules for the Civil Service denies women officials the right to take time off for rest and recreation if they have had a maternity leave in the course of the same year.

(iv) Participation in non-governmental organizations and associations concerned with public and political life

49. There are a number of dynamic and competent non-governmental organizations and associations working in this field. The largest are the associations of women engineers, jurists, lawyers, doctors, nurses, pharmacists, physical therapists and shopkeepers.

(v) Opportunity to represent the Government at the international level and participate in the work of international organizations (art. 8)

50. Zairian women have the opportunity to represent the Government at the international level and to participate in the work of international organizations on the same basis as men. However, given the limited number of women in the civil service and at decision-making levels, their presence is usually confined to meetings devoted to the specific problems of women, such as the United Nations Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women. At conferences and meetings dealing with other problems of national concern, women are often members of delegations; rarely do they head them.

(vi) Right of women to acquire, change or retain nationality (art. 9)

51. See paragraph 26 above.

3. Equality of cultural, economic and social rights (arts. 10 to 14)

(a) Women and education (art. 10)

52. The political will to promote education for both girls and boys is clearly expressed in Zaire's legislation. Many measures have been taken to institute equal rights for men and women in this area. This concern is reflected in our

country's Constitution and the enabling act on education adopted on 20 September 1987.

53. Article 12 of the Constitution states in effect that no Zairian can be subjected to discrimination in education on the basis of sex. And article 19 goes on to say: "The care and education of children is a right and a duty of parents." Nevertheless, it must be pointed out that, in rural areas even today, the importance of schooling for girls is not appreciated. Their studies are too easily interrupted, either because of their parents' poverty or because of an attitude that relegates women to the role of wife and mother. Thus, a girl will very readily be allowed to leave school to help her mother care for a baby or to perform household chores.

54. Early marriage (around age 14 in rural areas) or early pregnancy are other reasons for girls to drop out of school.

55. It is an unfortunate situation that must be corrected. The first obstacle, related to poverty, can only be overcome when the country's economic balance has been restored. The second problem, which is purely sociological, will require intensified public awareness campaigns on the importance of schooling for all children without distinction, especially in rural areas.

56. At present, the Department of Social Affairs is trying to institute continuing adult literacy courses for both men and women because of the high rate of illiteracy and low level of education noted among women.

57. Women have made visible progress in the area of job training. They train alongside men in such courses as polytechnical education, architecture and construction, carpentry and mechanics, which had traditionally been given exclusively for men.

58. Women also participate in sports and physical education. For example, the achievements of the Kinshasa women's basketball team and the women's soccer team have been notable.

(b) <u>The right of women to employment (art. 11)</u>

59. In the Constitution, there is no discrimination between men and women in this area. The Labour Code contains no discrimination with regard to single women. However, with regard to married women, article 3C of the Labour Code stipulates that "She may enter into an employment contract, except if there is an express objection by her husband". In practice, employers require the husband's authorization before the woman signs the employment contract, which is a misapplication of the law. The Labour Code appears to give some protection to the women by entitling her to go to court to appeal an unreasonable objection by her husband to a labour contract, but there is no real benefit to the woman, because, according to custom, a woman who takes legal action against her husband while under his roof suffers the disapproval of society. Consequently, such cases have proven to be quite rare. The woman once again prefers to resign herself to the situation.

60. As to the choice of profession, women, whether married or single, have the right to choose their profession and employment. They also have the right to job security, promotion, vocational training, continuing education and refresher courses on the same basis as their male colleagues.

61. Regarding salaries, article 72 of that Code stipulates "Equal pay for equal work of equal value". Women have the right to the protection of their health and safety and to decent working conditions. The Labour Code does not permit women or youth to perform heavy and dangerous work or night work.

62. Working women have the right to an annual vacation, like their male fellow workers. They also have the right to maternity leave for each pregnancy, and the right to leave their jobs without notice in those circumstances. Maternity leave consists of eight weeks before delivery and six weeks after.

63. For women members of the civil service, article 25 of the Staff Rules for Civil Servants prohibits them from taking vacation leave if they have had maternity leave during the same year. After the child is born, a women is entitled to a half-hour break twice a day to nurse her baby.

(c) Health care specific to women (art. 12)

64. There is no discrimination between men and women in access to health care. Moreover, special provision has been made for maternity. The mother is an important component of the family deserving special attention. In response to its concern for responsible child-rearing and safe motherhood, Zaire has put into effect a national programme of prenatal services which is already operational. Of course, much remains to be done in this field, because the programme has not yet spread throughout the country.

65. Several "mother and child" health centres offer mothers pre- and post-natal consultations and newborn care, but they are still too few in number given the size of the country. The programme "Health for All by the Year 2000" provides primary health care to mothers and children, but women's health remains at risk because of insufficient infrastructure. It should be noted that the number of nurseries available to allow mothers to pursue other activities is still insignificant.

66. The fight against AIDS is also a concern of the Zairian Government. The Central Coordination Office of the fight against AIDS has opened branches in the interior (in each regional or provincial capital) and is conducting awareness campaigns directed particularly at women. It also offers other services to halt the spread of this scourge.

(d) Equality in other areas of economic and social life (art. 13)

67. (a) The right to credit. Simple loans or loans at interest are regulated under articles 447 to 481 of the Zairian Civil Code, volume III. In principle, loans are accessible to women, except for the limitations imposed on married women. But many obstacles hinder women's use of credit. Their chances of obtaining a loan are often compromised by strict qualifying conditions which they cannot meet because of their generally low level of education and their

lack of property to mortgage. Women shopkeepers are generally ignorant of the rules of accounting and management, which keeps them from benefiting from the advantages granted by lenders. It is important to note that, in order to protect their rights, women join together in cooperatives or other associations, for example: the Manenga Peasant Women's Association, the Association of Women Shopkeepers of Zaire (AFECOZA) and the Association of Women Market Gardeners (CECOMAF).

(b) Right to participate in recreational activities, sports and all aspects of cultural life. Theatre, music, literature, art, etc. are not closed to women - they are playing an increasingly active role. Currently there are many women musicians, stage actresses and poets. A growing number of women are becoming involved in several sports and taking part in international competitions (volleyball, basketball, swimming, athletics and even soccer).

(c) Women in agriculture (art. 14). Women living in rural areas play a very important role in the national economy, which relies on them to a very great degree. Unfortunately, women still practice traditional farming methods. They work the soil, plant, harvest and market, often under extremely difficult conditions. Therefore, several projects have been instituted to lighten the burden of rural women. They include:

(i) Appropriate technology. This project disseminates technologies to benefit women (for example, corn-shellers, grinders for manioc leaves, improved mbabula);

(ii) Women and Development. This project sets up women's centres and women's clubs as bases for the dissemination of information for women in all areas of national concern;

(iii) Training through functional literacy courses and continuing education. We should note that very few women are landowners, so powerful is the influence of custom.

(e) Equality in civil matters and in matters relating to the family (art. 15)

(i) Equality before the law

68. Equality before the law is a fundamental right guaranteed by the Constitution: "All Zairians are equal before the law and have the right to equal protection under the law". But this legal equality runs into difficulty in practice because of reactionary attitudes. Moreover, the legal incapacity of married women is also a cause of inequality.

a. Legal capacity

69. At age 18, any Zairian (man or woman) acquires legal capacity without distinction as to sex, and can sign contracts or administer property. The legal incapacity of individuals who are judged incompetent (under interdiction), mentally incapacitated, immoral, or minors applies equally to men and women. However, a women, once she marries, finds that her legal capacity is made subject to authorization by her husband for any legal action, for which she must

personally assume the cost (art. 448). In general, women are fighting to have "mutual consent of both spouses" govern a couple's life together.

b. Freedom of movement and freedom of choice of domicile

70. There are no restrictions on freedom of movement for men or for women in Zaire. That freedom is a component of the individual freedom guaranteed by article 15 of the Constitution, which states: "Individual freedom is guaranteed. No one may be prosecuted, arrested or detained except in accordance with the law and in the prescribed form".

71. There is also freedom of choice of domicile: "Every Zairian has the right freely to establish his or her domicile or residence in any place in the Republic ...".

72. With regard to the conjugal domicile, article 454 of the Family Code states that the wife is obliged to live with her husband and to follow him wherever he sees fit to reside. However, article 455 of the Family Code introduces a qualification: "In the event that the residence is established by the husband in a manifestly abusive fashion or one contrary to the stipulations agreed upon between the spouses, the wife may lodge an appeal against the husband's decision with the court tribunal de paix.

(ii) Equality in matters of family law (art. 16)

a. The right to enter into marriage

73. See paragraphs 27 and 28 above.

b. Choice of a family name

74. Under the provisions of the new Family Code, a married woman shall retain her maiden name. In the course of her married life, she may add her husband's name if she so wishes (art. 62 of the Family Code). A widow who has not remarried may continue to use her husband's name. With regard to the children, the Family Code places the emphasis on the fact that according to authentic Zairian mythology a name encapsulates the personality of the individual. For that reason, the legislature did not deem it appropriate to adopt the patronymic system decreed under the previous law as its basic principle. Instead, it advocated permitting the father and mother full freedom of choice regarding the name of the child, so as to allow scope for expression of the various traditional beliefs. In the event that the husband and wife fail to agree on a name, the name given by the father prevails.

c. Property rights in marriage

75. Articles 487 to 537 of the Family Code provide for three marital property systems: separation of property, community of acquisitions after marriage, and general community of property. The husband and wife must choose one of these three systems. If they do not do so, the system of community of acquisitions is applied, for, although the tendency is for Zairian custom to favour separation of property, socio-legal surveys reveal that the trend is now shifting towards

community of assets acquired during marriage. It is that system which best responds to current developments in our society, which often require the husband and wife to work both in and outside the home, a situation which necessarily results in a de facto community of property. Whatever system is applied, the husband, as head of the family, manages the property.

d. Betrothal and marriage of children

76. In Zairian law, betrothals do not entail an obligation to marry. However, they have been regulated in the Family Code, an innovation vis-à-vis the old Civil Code. In order to maintain the free and tentative nature of betrothals, it is stipulated that no legal action may be taken to enforce the customary obligations incumbent on the betrothed persons and their parents. However, in the event that the betrothal is broken off, money and services in connection with the dowry are to be repaid in accordance with the custom applicable to the girl's family. The party breaking off the betrothal is obliged to repay all the costs occasioned by the betrothal, without prejudice to possible compensation for the harm caused by its termination. Specifically, the betrothed woman or the members of her family may invoke a right to compensation pursuant to law or to custom, having regard to the particular circumstances at the time of the betrothal.

77. With regard to the marriage of children, the family is not recognized in law before the legal age of marriage established by article 352 of the Family Code. Males under the age of 18 and females under the age of 15 may not enter into marriage. However, it is open to the tribunal de paix to waive the age requirement for compelling reasons. That court may give a ruling at the request of any person with a proven interest - for example, in the case of emancipated minors, covered by articles 288 to 293 of the Family Code. It bears noting that the difference in the legal ages of marriage is based on the fact that women mature physically more rapidly than men.

e. Registration of marriages

78. With regard to the procedures for celebrating a marriage, the legislation has recognized two types of marriage ceremony. In addition to the system of civil marriage before a registrar ("mariage-célébration"), there is also the traditional marriage ceremony practised by our ancestors, celebrated in the home. This latter form of marriage ceremony ("mariage-constatation") must be registered before a civil authority. In either case, publication of the banns for two weeks beforehand is compulsory.

IV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF THE CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

A. Obstacles arising from attitudes

79. The question of women's rights and the emancipation of women is much debated by the majority of men, but also by a minority of women, particularly those living in rural areas, who believe that women can never enjoy the same rights as men.

B. The high rate of illiteracy among women

80. Most Zairian women are illiterate and have little formal education. Consequently, the realization of full rights for women is not regarded as a priority.

C. Lack of resources to increase public awareness

81. The serious economic crisis that has gripped every sector of the nation makes it virtually impossible to mobilize financial and material resources for the organization of public campaigns to increase awareness and provide information. Hence the need for external contributions for this purpose.

82. Other obstacles are the lack of culture, integrity and ethics in business.

V. CONCLUSION

83. The political will of Zaire to support the advancement of women and to eliminate all forms of discrimination against them is manifested by signature and ratification of the Convention on the Elimination of All Forms of Discrimination against Women; the existence and maintenance of the national machinery for the advancement of women; and the measures taken for the implementation of the Convention.

84. Considerable work is also being done by non-governmental and other organizations. However, efforts still need to be made at the legislative level, particularly as regards married women. A reversal in attitudes is also imperative, and women themselves need to make an effort to understand the importance and validity of the fight they must wage with men in order to realize all their rights, and thus participate effectively and without restrictions in the development of Zaire.